

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MONICA ABITIA,

Plaintiff,

v.

KILOLO KIJAKAZI, acting
Commissioner of Social Security,

Defendant.

CASE No.: 1:21-cv-00334-DAD-GSA

**ORDER GRANTING PLAINTIFF
EXTENSION OF TIME TO FILE
OPENING BRIEF**

The parties stipulate to a 65-day extension of time from December 22, 2021 to February 25, 2022 for Plaintiff to file an opening brief due to counsel's workload and the holiday season. This is the first extension sought by either party in this matter.

The Scheduling Order allows for a single extension of thirty days by the stipulation of the parties. Doc. 5 at 3. Beyond the single extension by stipulation, "requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause." *Id.*

When considering whether good cause exists to modify a scheduling order, courts consider the foreseeability of the impediment to meeting the deadline and the party's diligence in seeking the extension once it became apparent they could not meet the deadline. *See Sharp v. Covenant Care LLC*, 288 F.R.D. 465, 467 (S.D. Cal. 2012); *Ordaz Gonzalez v. Cty. of Fresno*, No. 1:18-CV-01558-BAM, 2020 WL 2539287, at *2 (E.D. Cal. May 19, 2020). The Court has the inherent power to manage its own docket to achieve an orderly and expeditious resolution of cases. *Southern California Edison Co. v. Lynch*, 307 F.3d 794 (9th Cir. 2002).

Counsel identified good cause for the extension and sought it sufficiently in advance of the deadline. The Court will construe the stipulation as expressing the parties' intent to use the 30-day

1 extension provided by the scheduling order as of right plus an additional 35-day extension for cause.
2 The former will no longer be available. Any additional extension requests must be made by motion
3 and will be viewed with increased scrutiny. *See* Doc. 5 at 3.

4 Accordingly, it is **ORDERED** that Plaintiff's deadline to file an opening brief is extended
5 to and including February 25, 2022. All other deadlines are adjusted accordingly.

6
7
8 IT IS SO ORDERED.

9 Dated: **December 16, 2021**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE